

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

11/10/85
PL-II

FILE: B-219077

DATE: June 17, 1985

MATTER OF: Sylvan Service Corporation

DIGEST:

1. GAO does not review an affirmative determination of a prospective contractor's responsibility absent a showing of possible fraud or bad faith on the part of contracting officials, or an allegation that definitive responsibility criteria in the solicitation were misapplied.
2. GAO does not conduct investigations under its bid protest function to ascertain whether a protester should have a basis for a protest.

Sylvan Service Corporation protests the Department of the Air Force's issuance of a purchase order for hospital custodial services to another firm under request for quotations (RFQ) No. F22608-85-Q-1133. Sylvan asserts that this firm is not a responsible prospective contractor, principally due to a lack of trained personnel to perform the services. Sylvan further requests that we conduct an investigation to determine whether the Air Force has complied with the applicable procurement regulations. We dismiss the protest.

The Federal Acquisition Regulation, 48 C.F.R. § 9.103 (1984), specifically provides that purchases shall be made from, and contracts shall be awarded to, responsible prospective contractors only; no purchase or award shall be made unless the contracting officer makes an affirmative determination of responsibility. By awarding any contract, the contracting officer necessarily finds a firm to be a responsible prospective contractor. Turbine Components Corp., B-216079, Jan. 18, 1985, 85-1 CPD ¶ 55. Therefore, since the purchase order has been issued, the Air Force has accordingly determined that the firm in question is capable of performing the required services.

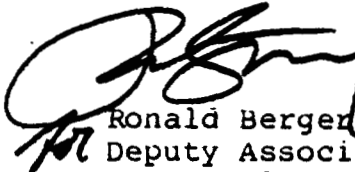
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This Office will not review an affirmative determination of a prospective contractor's responsibility absent a showing of possible fraud or bad faith on the part of contracting officials, or an allegation of the misapplication of definitive responsibility criteria that were contained in the solicitation. The City of El Paso, B-217401, Jan. 24, 1985, 85-1 CPD ¶ 97. Neither exception to allow for our review is present here.

To the extent Sylvan requests that we investigate the Air Force's compliance with the regulations in this matter, this Office does not conduct investigations under its bid protest function to ascertain whether a protester should have a basis for a protest. Meditech, Inc., B-217428, Jan. 16, 1985, 85-1 CPD ¶ 45.

The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel